



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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September 8, 2004

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Agenda No. 101
06/15/04

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012


**Re: CONDITIONAL USE PERMIT NUMBER 00-188-(5)
OAK TREE PERMIT NUMBER 00-188-(5)
FIFTH SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which proposes to subdivide the subject property into two lots. One lot is a multi-family residential lot for the development of 65 new townhouse condominiums and one is an open space lot. Each lot encompasses approximately 6.6 acres in the Chatsworth Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

OFFICE OF THE COUNTY COUNSEL

By 
PETER J. GUTIERREZ
Senior Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
Chief Deputy County Counsel

PJG:di
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT CASE NUMBER 00-188-(5) AND
OAK TREE PERMIT CASE NUMBER 00-188-(5)**

1. The Los Angeles County Board of Supervisors ("Board") conducted a duly noticed public hearing on this proposed Conditional Use Permit Case No. 00-188-(5) and Oak Tree Permit Case No. 00-188-(5) on June 15, 2004. The Los Angeles County Regional Planning Commission ("Commission") conducted its duly noticed public hearing on November 20, 2002, March 19, 2003, June 18, 2003, and September 17, 2003. This case was heard concurrently with Vesting Tentative Tract Map No. 53235, Zone Change Case No. 00-188-(5), and General Plan Amendment Case No. 00-188-(5).
2. The applicant is proposing to construct a residential development on the subject property consisting of two lots. One lot is a multi-family lot for the development of 65 new townhouse condominiums and one is an open space lot. Each lot encompasses approximately 6.6 acres. Also proposed is project-associated infrastructure to be developed in compliance with hillside management and planned residential development design review criteria.
3. A conditional use permit is required to ensure compliance with the requirements of the proposed Residential Planned Development ("RPD") zone and hillside management provisions pursuant to Sections 22.20.460 and 22.56.215, respectively, of the Los Angeles County Code ("County Code").
4. A conditional use permit for a planned residential development promotes well-planned projects with innovative design and residential amenities beyond those expected under conventional development, to reduce development impacts in hillside areas, and to preserve natural scenic areas.
5. A conditional use permit for development in a hillside management area protects the resources in hillside areas from incompatible development, which may result in or have the potential for environmental degradation and/or destruction of life and property, and ensures to the extent possible that development maintains and, where possible, enhances the natural topography, resources, and amenities of the hillside management area while allowing for the limited controlled development therein.
6. The subject property is located north of the 118 Freeway (Simi Valley Freeway) at 11400 Poema Place near the northerly terminus of Topanga Canyon Boulevard in the Chatsworth Zoned District.

7. Access to the site is provided by Poema Place via Topanga Canyon Boulevard.
8. The subject property is 13.28 acres in size and is rectangularly shaped with level to moderately sloping hilly terrain. The site is currently vacant and was previously graded for a church project that was not completed.
9. Property north of the project site is vacant. Two-story multi-family residences are adjacent to the site on the west. The single-family residences of the Twin Lakes community are located to the east. Immediately to the east of the site is a proposed 375 unit single-family residential project approved by the Board on August 10, 2004. To the south, within the City of Los Angeles, are a mobile-home park, single-family residences, open space, and highway commercial uses.
10. The project site is currently zoned A-1-1 (Light Agricultural, one acre minimum lot area). The zoning was established by Ordinance No. 7505, which became effective on May 15, 1959. Concurrent with this approval, however, the Board has approved Zone Change Case No. 00-188-(5), a request to change the zoning of the subject property to RPD-5,000-6U (Residential Planned Development ("RPD") Zone-5,000 square feet minimum lot area-6 dwelling units per acre). The RPD zone designation will ensure that development occurring after the property has been rezoned will conform to plans submitted by the applicant through the conditional use permit approval process.
11. Surrounding zoning is A-1-1 (Light Agricultural, one acre minimum lot area) and R-1-6,000 (single-family residential-6,000 square feet minimum lot area) to the north and east and RPD-10,000-4U (Residential Planned Development-10,000 square feet minimum lot area-4 dwelling units per acre) to the west. Property to the south is located within the City of Los Angeles.
12. The requested zone change to RPD-5,000-6U is necessary to authorize the proposed use of the subject property. Pursuant to Section 22.24.070 of the County Code, the proposed clustered residential development is not allowed in the A-1-1 zone because the zone limits residential uses to large lot single-family detached residential uses. The proposed design of the project is authorized within the proposed RPD zoning classification, pursuant to Section 22.20.460 of the County Code, which provides that property in a RPD zone may be used for a planned residential development which will afford the same or lesser density of population or intensity of use than is specified in the zone, provided a conditional use permit is first obtained.

The project density of 65 dwelling units is consistent with the proposed RPD-5,000-6U zone, which would allow a maximum of 79 dwelling units on the subject property.

13. The property is depicted within the Non-Urban land use classification on the Countywide General Plan Land Use Policy Map. This land use classification allows a maximum of one dwelling unit per acre and is further subject to the density limitations of the Countywide General Plan's non-urban hillside management provisions. Concurrent with this approval, the Board has approved General Plan Amendment Case No. 00-188-(5) changing the subject property's land use designation to Low Density Residential. This amendment is based, in part, on consideration of the location of the property adjacent to the 118 Freeway and Topanga Canyon Boulevard and the scale of multi-family and single-family residential development in the area. The Low Density Residential land use classification permits residential densities ranging from one to six dwelling units per acre, which would allow a maximum of 79 dwelling units on the site. The project density of 65 dwelling units is consistent with this land use classification.
14. The proposed project is consistent with the goals and policies of the Countywide General Plan. The project increases the supply and diversity of housing and promotes the efficient use of land through a more concentrated pattern of urban development.
15. Approval of Conditional Use Permit Case No. 00-188-(5) and Oak Tree Permit Case No. 00-118-(5) will not become effective unless and until the Board has approved the proposed General Plan Amendment and adopted an ordinance effecting the change of zone, and such ordinance has become effective.
16. Vesting Tentative Tract Map No. 53235 is a related request to subdivide the subject property into two lots; one multi-family residential lot for development with 65 new townhouse condominiums and one open space lot, each lot encompassing approximately 6.6 acres.
17. The applicant's site plan, labeled Exhibit A, depicts 65 attached single-family condominiums occupying approximately 6.6 acres of the project site. The two- and three-story buildings are 35 feet in height and range from 1,660 to 2,340 square feet in size with three bedrooms and attached two-car garages. There is a 6,500 square foot recreation area consisting of a pool, spa, and recreation building. A total of 163 parking spaces are depicted, including 33 guest parking spaces distributed throughout the project site. Landscaping is located in the gated entry, parking, recreation areas, and common areas. The northerly approximately 6.6 acres of the site are proposed as a dedicated open space lot. The open space lot

encompasses a trail to link proposed trails along the easterly boundary and the Devil Canyon area of the property. The townhouse condominiums are accessed by a private common driveway with a width of 28 feet.

18. The Commission conducted several public hearings and received oral and written testimony regarding the proposed development. Correspondence was received from surrounding neighbors and interested parties concerned about traffic impacts, loss of natural open space, safety issues, impacts on schools, lack of county services in the area, the need to maintain the existing rural lifestyle of Chatsworth, the need for a connecting trail system, and the concern that the proposed density would be inconsistent with the density of the surrounding community.
19. During the public hearings, the Commission heard staff's presentations, the applicant's presentations, and testimony from concerned neighbors. Much of the public testimony reiterated comments received in written correspondence but stressed the need for reduced density, adequate trails, and traffic mitigation.
20. In response to community concerns, the Commission directed the applicant to redesign the project to reduce the proposed density and address the comments raised during the public hearing.
21. The applicant revised the project in order to reduce the number of residential units from 159 to 65 condominiums, reduce the quantity of grading, and eliminate the need to export earthen material. The project also provides improved trail linkages to allow trail access to the upland areas of Devil Canyon.
22. The project minimizes grading by locating the development primarily in the previously disturbed portions of the site. Grading is balanced on-site and limited to approximately 43,000 cubic yards. The revised project eliminates the need to export soil, thus reducing the potential impact of construction traffic.
23. The project's location, size, design, and operating characteristics have given consideration to harmony in scale, bulk, coverage, and density; the availability of public utilities, services, and facilities; the generation of traffic and the capacity and physical character of the surrounding streets; and the suitability of the site for the type and intensity of use or development which is proposed.
24. After considering the evidence presented, the Commission approved Conditional Use Permit Case No. 00-188-(5) and Oak Tree Permit Case No. 00-188-(5) on March 10, 2004.

25. Five residents of Chatsworth and surrounding areas testified at the Board's duly noticed hearing and raised four key concerns: loss of trail system connectivity and accessibility; traffic congestion as a result of development; replacement of oak trees; and the consistency of the proposed zoning with surrounding areas. Specifically, three residents speaking on trail issues were concerned with proper building and maintenance of the regional trail system and requested implementation of a temporary trail during development, the planting of shade trees consistent with the existing trail, that parking be available to access the trail, and that it be open to the public. The two residents speaking on traffic issues were concerned that an already congested area would be made worse as a result of the adjacent Deer Lake Ranch project and would then be overloaded by the proposed project. One resident concerned with the removal of the one oak tree on the property requested that a condition be made requiring replacement of oak trees without the option of an in-lieu fee and that a monitoring program be implemented to ensure proper care. Lastly, the one resident raising an issue about the proposed zone change was concerned that the density of the proposed project is much greater than that of the surrounding single-family homes and condominiums.
26. The proposed residential development will be required to comply with the development standards and requirements applicable to the RPD zone, as set forth in Section 22.20.460 of the County Code.
27. Pursuant to Section 22.20.460 of the County Code, the proposed project is required to contain open space in an amount not less than 30 percent of the net area. The proposed project has the necessary provision for open space. The open space lot contains approximately 6.6 acres of open space which represents 50 percent of the project site. Section 22.56.215.J of the County Code requires that the proposed project contain open space in an amount not less than 25 percent of the net urban hillside area. The proposed project exceeds this requirement.
28. The project complies with Section 22.20.110 of the County Code in that no dwelling units or other structures will exceed a height of 35 feet above grade.
29. As required by Section 22.56.215.J.1 of the County Code, provisions will be made for landscaping all common or open space areas not to be left in a natural state, all utilities will be placed underground, and exterior elevation drawings indicating building heights and major architectural features shall be submitted to and approved by the Director of the Department of Regional Planning prior to the issuance of any building permit.

30. Section 22.20.460.B.6 of the County Code requires parking to be provided as required by Part 11 of Chapter 22.52 of the County Code. Section 22.52.1180 of Part 11 requires two covered standard automobile parking spaces for each single-family residence. The project provides 130 covered standard parking spaces in compliance with this requirement as well as 33 guest parking spaces, nearly twice the requirement of the County Code.
31. The proposed project includes common facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the goals and policies of the Countywide General Plan.
32. The approval of the proposed dwelling units in an urban hillside management area is allowed since the conditions of approval will adequately mitigate problems of public safety, design, and environmental considerations as provided in the Countywide General Plan.
33. The applicant has demonstrated the suitability of the subject property for the proposed use. Establishment of the proposed use at such location is in conformity with good zoning practice. Compliance with the conditions of approval will ensure compatibility with surrounding land uses and consistency with all applicable Countywide General Plan policies.
34. Approval of Conditional Use Permit Case No. 00-188-(5) is conditioned on the applicant's compliance with the attached conditions of approval as well as the conditions of approval for Vesting Tentative Tract Map No. 53235.
35. Oak Tree Permit Case No. 00-188-(5) requests authorization to remove one oak tree in conjunction with the proposed construction of a residential development, pursuant to Section 22.56.2060 of the County Code.
36. The applicant has submitted an Oak Tree Report prepared by a certified arborist that identifies and evaluates a total of one oak tree.
37. The Los Angeles County Forester and Fire Warden, Forestry Division ("County Forester"), has reviewed the Oak Tree Report and determined that the document is accurate and complete as to the location, size, condition, and species of the oak trees on the site. The County Forester has recommended approval of the requested oak tree removal, subject to recommended conditions of approval, including replacement trees to be provided on a 2:1 basis, and the applicant has agreed to mitigation at a

ratio of 10:1. Therefore, the total mitigation planting shall include ten specimen oak trees. In addition, ten acorns shall be planted, as required by the Board.

38. The removal of the one oak tree is necessary to allow maintenance access to an existing debris basin that serves the area.
39. An Initial Study and an Environmental Impact Report ("EIR") have been prepared for this project in compliance with the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000, et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles ("County CEQA Guidelines"). The Initial Study concluded that there was substantial evidence that the project may have potentially significant impacts on the environment in the following areas: education, biota, noise, fire protection, traffic/access, visual qualities, and libraries. The Initial Study determined that an EIR would be required.
40. The EIR prepared for this project concluded that no significant effects which cannot be avoided or mitigated have been identified. All potentially significant environmental impacts including education, biota, noise, fire protection, traffic/access, visual qualities, and libraries can be mitigated to less than significant levels through implementation of the mitigation measures identified in the EIR. The Final Environmental Impact Report ("FEIR") consists of the Draft EIR dated August 2002, the Technical Appendices to the Draft EIR dated August 2002, and the FEIR, including responses to comments, dated January 2004.
41. A Mitigation Monitoring Program consistent with the conclusions and recommendations of the FEIR has been prepared. The Mitigation Monitoring Program identifies in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project on the environment is ensured.
42. The mitigation measures set forth in the FEIR for the project are incorporated into the conditions of approval of this grant. The conditions of approval require compliance with the applicable mitigation measures in accordance with the Mitigation Monitoring Program.
43. The Board has reviewed and considered the information contained in the FEIR. The Board finds that the FEIR has been completed in compliance with CEQA and the State and County CEQA Guidelines, and the document reflects the independent judgment and analysis of the Board, and determines that all significant adverse effects of the project have been reduced to an acceptable level as described in the Environmental Findings of Fact for the project, which are on file at the Department of Regional

Planning. Those findings are incorporated herein by reference. The Board also adopts the Mitigation Monitoring Program.

44. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Land Divisions Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS
CONCLUDES:**

- A. That the proposed use subject to the attached conditions of approval will be consistent with the Countywide General Plan as amended by General Plan Amendment No. 00-188-(5);
- B. That with the attached conditions and restrictions, the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping, and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;
- E. That the proposed project is located and designed so as to protect the safety of current and future community residents and will not create significant threats to life and/or property due to the presence of geologic, seismic, slope instability, fire, flood, or erosion hazard;
- F. That the proposed project at the proposed location has been designed to be compatible with the surrounding area in terms of land use patterns, design, and established community character;

- G. That the proposed project is compatible with the natural biotic, cultural, scenic, and open space resources of the area;
- H. That the proposed project is conveniently served by neighborhood shopping and commercial facilities, can be provided with essential public services without imposing undue costs on the total community, and is consistent with the goals and policies of the Countywide General Plan;
- I. That the proposed development demonstrates creative and imaginative design resulting in a visual quality that will complement community character and benefit current and future community residents;
- J. That the approval of the proposed development within a hillside management area, with dwelling units exceeding the number permitted by the midpoint of the permitted density range in urban hillsides, is based on the project's ability to mitigate problems of public safety, design, and/or environmental considerations, as provided in the Zoning Ordinance and the Countywide General Plan;
- K. That construction of the proposed land use will be accomplished without endangering the health of any remaining trees on the property that are subject to Chapter 22.56, Part 16, of the County Code;
- L. That the removal of one oak tree is necessary for development reasons as continued existence of the tree at the present location frustrates the planned improvements or proposed use of the subject property to such an extent that alternative development plans cannot achieve the same permitted density or the cost of such alternative would be prohibitive;
- M. That the removal of the one oak tree proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated; and
- N. That the removal of the one oak tree proposed will not be contrary to or in substantial conflict with the intent and purpose of the oak tree permit procedure;

THEREFORE, THE BOARD OF SUPERVISORS:

- 1. Certifies that it has reviewed and considered the information contained in the FEIR; certifies that the FEIR has been completed in compliance with CEQA, the State CEQA Guidelines, and County CEQA Guidelines and reflects the independent judgment and analysis of the Board as to the environmental consequences of the project and determines that the

significant adverse effects of the project have been reduced to an acceptable level, as described in the project Environmental Findings of Fact, which findings are incorporated herein by reference.

2. Approves and adopts the Mitigation Monitoring Program for the proposed project incorporated in the FEIR, and pursuant to section 21081.6 of the Public Resources Code, the Board finds that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation.
3. Approves Conditional Use Permit Case No. 00-188-(5) and Oak Tree Permit Case No. 00-188-(5) subject to the attached conditions and further subject to approval by the Board of General Plan Amendment Case No. 00-188-(5) and Zone Change Case No. 00-188-(5).

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT CASE NUMBER 00-188-(5) AND
OAK TREE PERMIT CASE NUMBER 00-188-(5)**

1. This grant authorizes the use of the subject property for 65 new attached condominiums, as depicted on the approved exhibit map marked Exhibit A (dated November 17, 2003), subject to all of the following conditions of approval.
2. This grant shall not be effective for any purpose until a duly authorized representative of the permittee and the owner of the subject property, if other than the permittee, have filed at the Los Angeles County Department of Regional Planning ("Department") their affidavit stating that they are aware of, and agree to accept, all the conditions of this grant, and that the conditions have been recorded as required by Condition No. 6 and until all required monies have been paid pursuant to Condition Nos. 7 and 10. Further, this grant shall not become effective unless and until the Los Angeles County Board of Supervisors ("Board") has approved the proposed General Plan Amendment Case No. 00-188-(5) and Zone Change Case No. 00-188-(5) and adopted an ordinance effecting the change of zone and such ordinance has become effective.
3. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, its successors, and assigns, and any other person, corporation, or entity making use of this grant.
4. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
5. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant if it finds that these conditions of approval have been violated, or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
6. The terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder prior to the issuance of any grading or building permit or concurrently with the recordation of the final map, whichever occurs first. In addition, upon transfer or lease of all or any portion of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable.

7. Within five days of the approval date of this grant, the permittee shall remit processing fees (currently \$875) payable to the County of Los Angeles ("County") in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code and section 711.4 of the Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. No project subject to this requirement is final, vested, or operative until the fee is paid.
8. The mitigation measures set forth in the Final Environmental Impact Report for the project are incorporated by this reference and made conditions of this permit, and the permittee shall comply with the Mitigation Monitoring Program for the project, on file at the Department. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit mitigation monitoring reports to the Department for review and approval by said Department. The reports shall describe the status of the permittee's compliance with the required mitigation measures. The reports shall be submitted in the following sequence:
 - A. Prior to or concurrent with submittal of a revised Exhibit A to be approved by the Director of the Department ("Director") prior to issuance of grading permits;
 - B. At the time of building permit issuance, including verification of payment of applicable fees. If the project is phased, a report shall be submitted at each successive phase;
 - C. Prior to occupancy clearances by the Los Angeles County Department of Public Works ("Department of Public Works"); and
 - D. Additional reports shall be submitted as required by the Director.
9. The subject property shall be graded, developed, and maintained in full compliance with the conditions of this grant, and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity in violation of any such law, statute, ordinance, or other regulation shall be a violation of these conditions. If any inspection of the subject property discloses that the property is being used in violation of any condition of this grant, the permittee may be required to reimburse the Department for all the additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment.

10. Prior to the use of this grant, the permittee shall deposit with the County the sum of \$3,000. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for 20 biennial inspections. The inspections shall be unannounced.
11. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of section 65009 of the Government Code or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
12. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall, within ten days of the filing, pay the Department an initial deposit of \$5,000 from which actual costs shall be billed and deducted for the purpose of defraying the expense involved in the Department's cooperation in the defense, including but not limited to: depositions, testimony, and other assistance to the permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - A. If during the litigation process actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
 - B. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code ("County Code").

13. This grant shall expire unless used within two years after the recordation of a final map for Vesting Tentative Tract Map No. 53235. In the event that Vesting Tentative Tract Map No. 53235 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.

14. The subject property shall be graded, developed, and maintained in substantial compliance with the approved Tentative Tract Map No. 53235 (dated November 17, 2003). Amended or revised tentative maps approved for Tentative Tract Map No. 53235 may, at the discretion of the Director, constitute a revised Exhibit A.
15. All development shall comply with the requirements of the Zoning Ordinance (Title 22 of the County Code) and of the specific zoning of the subject property, except as specifically modified by this grant, as set forth in these conditions, including the approved Exhibit A.
16. A recreation area consisting of a pool, spa, and recreation building covering approximately 6,500 square feet shall be constructed on the property as depicted on the approved Exhibit A.
17. A minimum of 163 standard automobile parking spaces, as depicted on the approved Exhibit A, shall be provided and continuously maintained on the subject property, developed to the specifications listed in Section 22.52.1060 of the County Code. There shall be at least two covered parking spaces designated for each dwelling unit. There shall be at least 33 guest parking spaces distributed throughout the project site as depicted on the approved Exhibit A. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use. The permittee shall submit a parking management plan and provide for continual enforcement of the parking management plan in the Covenants, Conditions, and Restrictions ("CC&Rs") to the satisfaction of the Department.
18. A maximum of approximately 3.5 acres of the project site shall be paved and/or covered by structures.
19. The development of the subject property shall conform to the conditions of approval for Vesting Tentative Tract Map No. 53235.
20. No grading permit shall be issued prior to the recordation of a final map unless the Director determines that the proposed grading conforms to the conditions of this grant and the conditions of Vesting Tentative Tract Map No. 53235.
21. Lot 2, consisting of 6.6 acres of the project site as depicted on Vesting Tentative Tract Map No. 53235, shall be maintained as permanent, undeveloped natural open space.
22. The permittee shall pay the required Quimby in-lieu fee of \$55,760 as required by the County Department of Parks and Recreation.

23. Prior to the issuance of any grading permit or building permit, site plans shall be submitted to and approved by the Director indicating that the proposed grading and/or construction:
 - A. Complies with the conditions of this grant and the standards of the zone; and
 - B. Is compatible with hillside resources.
24. Review of the site plan shall emphasize, within the limits established by geologic and engineering constraints, grading amount and technique, preservation of natural features, landscaping of altered open space and graded slopes, and placement of residences onsite. Other features to be indicated on all site plans include walls, landscaping, driveways, and building setbacks.
25. All utilities shall be placed underground.
26. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
27. During construction the permittee and its contractor shall comply with Sections 12.12.010 - 12.12.100 of the County Code regarding building construction noise.
28. Detonation of explosives or any other blasting devices or material is prohibited unless all required permits have been obtained and adjacent property owners have been notified.
29. Onsite grading shall be limited to that which is necessary to construct roadways, community facilities, common area facilities, building pads, and other improvements shown on Exhibit A.
30. The permittee shall implement a dust control program during grading and construction to the satisfaction of the Director and the Director of the Department of Public Works.
31. The permittee shall, upon commencement of any grading activity allowed by this permit, diligently pursue all grading to completion.
32. The permittee shall obtain all necessary permits from the Department of Public Works and shall maintain all such permits in full force and effect as required throughout the life of this permit.
33. All construction and development within the subject property shall comply with the applicable provisions of the Building Code and the various related mechanical, electrical, plumbing, fire, grading, and excavation codes as currently adopted by the County.

34. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use of the property or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
35. No structure shall exceed a height of 35 feet above finished grade, except for chimneys and rooftop antennas, as defined by Section 22.08.08 of the County Code.
36. The permittee shall submit evidence that Lot 2 depicted on the associated Vesting Tentative Tract Map No. 53235 has been dedicated to a public agency to the satisfaction of the Director concurrent with the recordation of the final map.
37. The permittee shall submit a copy of the project CC&Rs to the Director for review and approval prior to the recordation of the final map for Vesting Tentative Tract Map No. 53235.
38. The permittee shall provide in the CC&Rs, to the satisfaction of the Department, full disclosure to prospective purchasers of the condominiums that the development is located adjacent to public open space and public hiking and equestrian trails.
39. The permittee shall provide in the CC&Rs, to the satisfaction of the Department, reference to or inclusion of a reserve formula to ensure full disclosure to prospective purchasers of the condominiums of reserve fund requirements for the long-term maintenance, repair, replacement, or improvement of homeowners association property and common property.
40. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the periods established by said Bureau.
41. The permittee shall utilize water-saving devices and technology in the construction of this project consistent with Los Angeles County Building and Plumbing Codes.

42. The property shall be developed and maintained in compliance with all applicable requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department. The proposed project will fulfill its statutory responsibilities related to water conservation through its compliance with section 17921.3 of the Health and Safety Code which requires low-flush toilets in all new construction, sections 2-5352 (I) and (J) of Title 24 of the California Code of Regulations which require hot water pipes to be insulated, and section 7800 of the Government Code which requires lavatories to have self-closing faucets in public bathrooms.
43. No grading shall be done or natural vegetation removed beyond that which is shown on the approved Hillside Management Conditional Use Permit Exhibit A, except that which may be required by the Los Angeles County Fire Department ("Fire Department") for brush clearance purposes.
44. All graded slopes (cut and fill) shall be revegetated. Three copies of a landscape plan, which may be incorporated into a revised site plan, shall be submitted and approved by the Director before issuance of a grading permit. The landscape plan shall show size, type, and location of all plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. Drip irrigation systems or other water-conserving devices shall be employed for all plantings except for ground cover and grasses.

In addition to the review and approval by the Director, the landscaping plans will be reviewed by the staff biologist of the Department and by the Fire Department. Their review will include an evaluation of the balance of structural diversity (e.g., trees, shrubs, and groundcover) that could be expected 18 months after planting in compliance with fire safety requirements.

The landscaping plan must show that at least 50 percent of the area covered by landscaping will be locally indigenous species, including not only trees, but shrubs and ground cover as well. However, if the applicant can prove to the satisfaction of staff that a 50 percent or more locally indigenous species is not possible due to County fire safety requirements, then staff may determine that a lower percentage of such planting may be required. In those areas where staff approves a reduction to less than 50 percent of locally indigenous vegetation, the amount of such planting required shall be at least 30 percent. The landscaping shall include trees, shrubs, and/or ground cover at a mixture and density determined by staff and the Fire Department. Fire retardant plants shall be given first consideration.

Permitted Plantings. Trees, shrubs, and/or ground cover indigenous to the local region shall be used for the required 50 percent landscaping. Fire retardant and locally indigenous plants that may also be used for the required 50 percent of such landscaping can be found on the attached list marked Exhibit B, compiled by the Fire Department. Ailanthus, Arundo, Hedera, Cynodon, Datylon, and other highly invasive species shall be prohibited. This list may be amended as approved by staff.

Timing of Planting. Prior to the issuance of building permits for any construction, the applicant shall submit a landscaping and phasing plan for the landscaping associated with that construction to be approved by the Director. This phasing plan shall establish the timing and sequencing of the required landscaping, including required plantings within six months and expected growth during the subsequent 18 months.

The planting shall begin at the time of occupancy of each building. The required planting of new trees, shrubs, and/or ground cover shall be completed within six months following occupancy.

The approved phasing plan shall set forth goals for the growth of the new plants in order to achieve established landscaping within 18 months following completion of the required planting. The applicant shall supply information for staff review of the completed landscaping at such time to confirm completion in accordance with the approved landscaping plan. In the event that some plants have not flourished at the time of review, staff may require replacement planting as necessary to assure completion in accordance with such plan.

These requirements shall not apply to areas which have been previously landscaped and irrigated during other phases of development.

45. The applicant shall deposit funds into a segregated account administered by the Department in the amount of \$175,000 to be expended at the discretion of the Supervisor of the Fifth District, which shall be used for community enhancement projects in the local Chatsworth community. The fee shall be paid in four annual payments of \$43,750. The first payment shall be due within one year of the Board's approval of the project, and each succeeding payment will be due on the approval anniversary date.
46. Prior to the start of construction, including any grading activity, the applicant shall conduct a pre-construction meeting with members of the community.
47. All grading activities, including engine warm-up, shall be restricted to the hours between 7:00 a.m. and 6:00 p.m. No Saturday, Sunday, or County-observed holiday grading operations are permitted.

48. Other construction operations such as framing, as well as landscaping and interior building construction, shall be limited to Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and on Saturday between the hours of 8:00 a.m. and 5:00 p.m. No such work shall be permitted on Sunday or County-observed holidays.
49. Offsite vehicular traffic through the Twin Lakes community by construction equipment and/or contractors' vehicles shall be prohibited. The applicant shall specify authorized routes for construction-related vehicles. Applicant will post necessary signs and/or personnel at all entries to Twin Lakes community and streets not permitted as authorized routes to ensure enforcement of these prohibitions.
50. All vehicles used by construction personnel, including those of outside suppliers and independent contractors, shall be parked onsite. Parking of such vehicles shall not be permitted offsite including along Mayan Drive, Canoga Avenue, Poema Place, or within any portion of the nearby communities.
51. The applicant shall make available to the Twin Lakes Property Owners Association and any other interested party, and post signs in the area, at the entry points to the subject property, the name and 24-hour toll free telephone number of the applicant's site representative. The sign shall also include the telephone number of the Department's Zoning Enforcement Section, the Department of Public Works' Building and Safety Division, and the South Coast Air Quality Management District. The representative who monitors the 24-hour telephone line shall have a weekend and evening contact list for all contractors and subcontractors on the job site.

In the event the representative receives a complaint that the permittee or any contractors or subcontractors have failed to comply with any conditions of the tentative subdivision map, the conditional use permit, oak tree permit, any other permits or any applicable code, regulation, or law, the representative shall respond to the complainant within two hours of the first call for calls made between the hours of 8 a.m. and 5 p.m., and by 9 a.m. the following morning for calls received after 5 p.m. and before 8 a.m. If the situation is reasonably construed to be an emergency, response shall be provided within two hours no matter what time the initial call is made. Actual attempts to resolve the complaint must begin as soon as reasonably practical and shall be diligently pursued until completed. Vehicles and construction equipment operated by the permittee and its representatives are allowed access during off-hours to undertake activities related to resolving complaints. A log of complaints and resolution of the complaints shall be maintained, including the date and time of call and date and time of resolution, and shall be made available for inspection upon request by the community members or governmental agencies. If, after the appropriate written notice, the permittee, its contractors, and/or subcontractors fail to comply with

any conditions of the tentative subdivision map, conditional use permit, or other permits or any applicable code, regulation, or law, the permittee, its contractors, and/or subcontractors shall be subject to all penalties, including financial, as prescribed by law.

52. The applicant shall ensure the installation of an Automated Traffic Surveillance and Control signal coordination system for Topanga Canyon Boulevard intersections with Poema Place (Mayan Avenue) and the 118 Freeway (Simi Valley Freeway) on and off ramps to the satisfaction of the Los Angeles County Department of Public Works Director.
53. All of the conditions of approval shall be included with and made a part of all construction contracts.
54. Prior to the start of construction, including any grading activity:
 - A. The permittee shall assist in establishing the Vistas at Poema Place Construction Monitoring Committee which shall exist for the duration of the construction activities, to be composed of no more than six individuals who shall be property-owners, tenants, business-owners, and/or other interested persons in the Chatsworth area, and who shall be appointed by the Supervisor for the Fifth District. This committee and a similar committee for the Deerlake Ranch project (Deerlake Ranch construction Monitoring Committee) may hold joint meetings to discuss both projects;
 - B. The permittee and its appropriate contractor representatives shall conduct a pre-construction meeting with the Vista at Poema Place Construction Monitoring Committee and other interested members of the community. The Twin Lakes Property Owners Association and Chatsworth Neighborhood Council shall be duly notified of the meetings and a copy of the notice shall be submitted to the Director;
 - C. For the duration of construction, the permittee shall meet with the Vistas at Poema Place Construction Monitoring Committee or jointly with the Deerlake Ranch Construction Monitoring Committee on a quarterly basis (or less frequently at the direction of the Committee); and
 - D. For the duration of construction, the permittee shall submit to the Department and the Vistas at Poema Place Construction Monitoring Committee on a monthly basis, a written report concerning the monitoring of project conditions. This written report shall list the approved conditions of Conditional Use Permit Case No. 00-188-(5), Vesting Tentative Tract Map Case No. 53235, and Oak Tree Permit No. 00-188-(5), as well as provisions for reporting the periodic status of the completion of and/or compliance with the project conditions to the Director and the Vistas at Poema Place Construction Monitoring Committee. The format of the

written report may be revised from time-to-time upon recommendation by the Vistas at Poema Place Construction Monitoring Committee and/or the Department and as approved by the Director. However, the requirement to provide the status of and/or compliance with project conditions shall not be revised.

55. Pursuant to Chapter 22.72 of the County Code, pay a fee to the Los Angeles County Librarian prior to issuance of any building permit in the amount required by Chapter 22.72 at the time of payment and provide proof of payment to the Department. The current fee amount is \$638 per dwelling unit. The permittee or its successor in interest may contact the County Librarian at (562) 940-8430 regarding payment of fees.
56. (Questions relating to the following conditions should be addressed to the Forestry Division, Prevention Bureau of the Los Angeles County Forester and Fire Warden ("County Forester") at either (818) 890-5719 or (323) 881-2481.)
57. This grant authorizes the removal of one tree of the oak genus identified as "Tree Number One" on the applicant's site plan and in the Oak Tree Report, subject to all of the following conditions of approval.
58. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, its successors and assigns, and any other person, corporation, or entity making use of this grant.
59. This grant shall not be effective for any purpose until the permittee or a duly authorized representative and the owner of the subject property, if other than the permittee, have filed at the Department of Regional Planning an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions have been recorded as required by Condition No. 60 and until all required monies have been paid pursuant to Condition Nos. 65 and 66.
60. The terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder prior to the use of this grant. In addition, upon any transfer or lease of all or any portion of the subject property during the term of this grant, the permittee shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee, as applicable.
61. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
62. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property.

63. All requirements of the Zoning Ordinance (Title 22 of the Los Angeles County Code) and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
64. No oak tree shall be removed until the permittee has obtained all permits and approvals required for the work which necessitates such removal.
65. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the Fire Department a sum of \$1,000. Such fee shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while inspecting the project to determine the permittee's compliance with these conditions of approval. The above fees provide for ten subsequent annual inspections until the conditions of approval have been met. The Director and the County Forester shall retain the right to make regular and unannounced site inspections.
66. The term "Oak Tree Report" refers to the updated document (dated June 17, 2000) on file at the Department prepared by Design Solutions, the consulting arborist.
67. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director and the County Forester stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director and County Forester any failure to fully comply with the conditions of this grant. The arborist shall prepare a schedule of construction activities wherein the arborist will be present on the project site to ensure compliance with the conditions of this grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
68. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining oak trees on the subject property that are within the zone of impact as determined by the County Forester for the life of Oak Tree Permit Case No. 00-188-(5) or Tentative Tract Map No. 53235.
69. The permittee shall keep copies of the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan, and conditions of approval on the project site and available for review. All individuals associated with the project as it relates to the oak resource shall be familiar with the Oak Tree Report, Oak Tree Map, Mitigation Planting Plan, and conditions of approval.
70. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected oak tree or to improve its

appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines are available from the Forestry Division. In no case shall more than 20 percent of the tree canopy of any one tree be removed.

71. Except as otherwise expressly authorized by this grant, the remaining oak tree shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the Forestry Division, a copy of which is enclosed with these conditions.

MITIGATION TREES

72. As agreed, the permittee shall provide mitigation trees of the oak genus at a rate of 10:1 for the oak tree removed for a total of ten mitigation trees.
73. Each mitigation tree shall be at least a 15 gallon specimen in size and measure one inch or more in diameter one-foot above the base. Free form trees with multiple stems are permissible; the combined diameter of the two largest stems of such trees shall measure a minimum of one inch in diameter one-foot above the base.
74. Mitigation trees shall consist of indigenous varieties of *Quercus Agrifolia* grown from a local seed source and be of high-quality.
75. The permittee shall plant one acorn of the *Quercus Agrifolia* variety for each mitigation tree planted. The acorns shall be planted at the same time as and within the watering zone of each mitigation tree.
76. All required mitigation trees shall be planted within one year of the permitted oak tree removals. Additional mitigation trees shall be planted within one year of the death of any tree which results from permitted encroachment. Mitigation trees shall be planted onsite in locations approved by the consulting arborist in consultation with the County Forester. In circumstances where onsite planting is shown to be infeasible, the mitigation trees may be planted offsite at an approved location, or a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the oak resources loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."

77. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to lack of proper care and maintenance with a tree meeting the specifications set forth above. The three-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director and the County Forester indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
78. The consulting arborist shall inspect all mitigation trees on a quarterly basis for two years after completion of construction. The arborist's observations shall be reported to the County Forester, including any loss of trees.
79. All mitigation oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance, once the trees have survived the required maintenance period.
80. Prior to the planting of the trees, the consulting arborist shall determine planting sites, prepare planting plans and specifications, and a monitoring program, all of which shall be approved by the County Forester and the Department.
81. All work on or within the protected zone of an oak tree shall be performed by or under the supervision of the consulting arborist.
82. Trenching, excavation, or clearance of vegetation within the protected zone of an oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
83. Installation of fencing around the perimeter of the properties shall be of wrought iron or wood post type construction wherever the fencing passes within ten feet of any oak tree trunk. No block walls or other type of fence or wall construction which requires substantial trenching for foundations shall be located within ten feet of any oak tree in order to limit damage caused by such types of construction.
84. Encroachment within the protected zone of any additional tree of the oak genus on the project site is prohibited without an addendum prepared by the Forestry Division and approved by the Department.

85. Should encroachment within the protected zone of any additional trees of the oak genus on the project site not permitted by this grant result in its injury or death within two years, the permittee shall be required to make a contribution to the County of Los Angeles Oak Forest Special Fund in the amount equivalent to the oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
86. No planting or irrigation system shall be installed within the dripline of any oak tree that will be retained.
87. Utility trenches shall not be routed within the protected zone of an oak tree unless the serving utility requires such locations.
88. Equipment, materials, and vehicles shall not be stored, parked, or operated within the protected zone of any oak tree. No temporary structures shall be placed within the protected zone of any oak tree.
89. Any violation of the conditions of this grant shall result in immediate work stoppage or in a Notice of Correction, depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the Notice of Correction.
90. Should any future inspection disclose that the subject property is being used in violation of any condition of this oak tree grant, the permittee shall be held financially responsible and shall reimburse the Forestry Division for all enforcement efforts necessary to bring the subject property into compliance. The Director and the County Forester shall retain the right to make regular and unannounced site inspections.
91. This grant shall terminate upon the completion of the authorized oak tree removal and the completion of all required mitigation and monitoring to the satisfaction of the County Forester and the Department